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MALUR & BRUNDIDGE, P.C.
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SUITE 370
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Patent No. 6,921,515	:	
Issue Date: 26 July, 2005	:	
Application No. 10/000,083	:	ON PETITION
Filed: 4 December, 2001	:	
Attorney Docket No.: (None)/NIP-155-02	:	

This is a decision on the petition filed on 5 April, 2006, requesting issuance of duplicate Letters Patent for the above-identified patent/application under 37 C.F.R. §1.182.¹

The Office regrets the delay in addressing the instant matter, however, while a decision previously was prepared, signed and sent for mailing, it now appears that mailing did not occur.

The petition is **DISMISSED**.

NOTES:

- (1) Any petition (and fee) for reconsideration of this decision must be submitted within two (2) months from the mail date of this decision. Extensions of time

¹ The regulations at 37 C.F.R. §1.182 provide:
§ 1.182 Questions not specifically provided for.

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Commissioner, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(h).
[47 Fed. Reg. 41278, Sept. 17, 1982, effective date Oct. 1, 1982; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997]

under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.182."

- (2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

Petitioner has made demand upon the Office to issue duplicate Letters Patent in the instant matter.

Petitioner has not indicated that the documents were not received; that once received they were misplaced, lost, destroyed or the like.

Petitioner should, through a minimum of a declaration over signature and registration number, represent to the Office that Petitioner is/remains the party in interest and the factual basis and reasoning for the relief requested.

CONCLUSION

Because it appears that Petitioner has not satisfied the evidentiary burdens, the petition as considered under 37 C.F.R. §1.182 hereby is dismissed.

Further correspondence with respect to this matter should be addressed as follows:²

By mail: Commissioner for Patents³
P.O. Box 1450
Alexandria, VA 22313-1450


By FAX: IFW Formal Filings
(571) 273-8300
ATTN.: Office of Petitions

² On July 15, 2005, the Central Facsimile (FAX) Number changed to (571) 273-8300. The old FAX number no longer is in service and (571) 273-8300 will be the only facsimile number recognized for centralized delivery. (For further information, see: <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/cfax062005.pdf>.)

³ To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

By hand: Mail Stop: Petition
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁴) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁴ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.